

**AFFIDAVIT**

I, Nicholas Porter, having been duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the United States Department of State, Diplomatic Security Service ("DSS"), and have been so employed since April of 2002. As part of my official duties, I am assigned to investigate violations of matters relating to the U.S. Department of State, including passport and visa fraud, illegal, improper use and possession of identification documents and false statements made to illegally obtain passports and visas.

2. The information set forth in this affidavit is based upon my own investigation as well as information provided by the Boston Passport Agency and other law enforcement agencies. In submitting this affidavit, however, I have not included each and every fact known to me about the investigation, but only those facts that I believe are sufficient to establish probable cause in support of a criminal complaint charging an individual named William Danilo Mejia Cruz (CRUZ), a/k/a Michael Anthony Diaz, with making false statements in an application for a United States passport, in violation of Title 18, United States Code, Section 1542.

3. I am aware based on my investigation that CRUZ is a Dominican citizen and was deported to the Dominican Republic in 2002 as a result of sustaining convictions for various felony

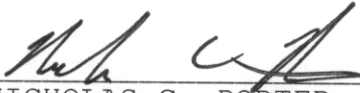
offenses. On April 27, 2004, I spoke with Bureau of Immigration and Customs Enforcement (BICE) Special Agent Paul Jordan. S.A. Jordan had obtained information that CRUZ had unlawfully reentered the country and was using the alias of Michael Diaz and residing at 136 Crawford St, Apt. no. 10, in Dorchester, Massachusetts.

4. I am aware that on or about March 19, 2004, a person claiming to be Michael Anthony Diaz, of 136 Crawford Street, Apt. 10, Dorchester, Massachusetts, submitted a renewal application for a United States passport via the mail. A renewal application must be submitted in order to obtain a new passport after a previous passport has expired. In this case, the applicant was seeking to renew a passport which had been issued in 1994. The applicant stated that he was born on October 10, 1969 in Manhattan, New York, and gave a partial social security number, stating the last four digits were "1747." As proof of identity, the applicant submitted the previously issued and expired United States passport in the name of Michael Anthony Diaz, which bore a photograph of the passport holder. Also as required, the applicant submitted two copies of a photograph of himself, one of which was attached to the application at the time of its submission. I have reviewed the photograph of the person in the 1994 passport as well as the photographs submitted with the renewal application and they are of the same person. A copy of the renewal application and the expired passport are attached to this affidavit as Exhibits A and B, respectively.

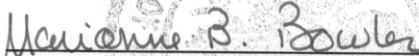
5. I also as part of my investigation have reviewed a photograph of CRUZ contained in his alien file as maintained by BICE, and he is the same person depicted in the 1994 passport and in the photographs submitted with the passport renewal application.

6. I subsequently obtained and reviewed the passport application that CRUZ had submitted in connection with the 1994 passport and saw that it contained a complete social security number of "067-54-1747." On April 27, 2004, I queried the United States Department of State's Consular Consolidated Database, which contains information directly received from the Social Security Administration regarding death filings. I ran the SSN of 067-54-1747 and discovered that it was in fact assigned to a Michael Diaz with a date of birth of October 28, 1969. However, the database also reflected that this Michael Diaz died on December 21, 1995. A copy of the report reflecting Michael Diaz's death is attached to this affidavit as Exhibit C.

7. Based on the foregoing, I have probable cause to believe that William Danilo Mejia Cruz, a/k/a Michael Anthony Diaz, on or about March 19, 2004, did willfully and knowingly make a false statement on an application for a United States passport with the intent to induce or secure the issuance of a passport under the authority of the United States for his own use or use of another, in violation of Title 18, United States Code, Section 1542.

  
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NICHOLAS C. PORTER  
Special Agent  
U.S. Department of State,  
Diplomatic Security Service

Subscribed and sworn before me this 29 day of April, 2004, in Boston, Massachusetts.

  
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MARIANNE B. BOWLER  
Chief United States Magistrate Judge

